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JCWSCS 18 FEB 2004

02/17/2004 TUE 16:00 FAX 510 262 7095 Berlex Biosciences

001/005

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# Fax

**To:** Mail Stop Office of Initial Patent

**From:** Wendy L. Washtien

Examination's Filing Receipt Corrections

**Fax:** 703-746-9195

**Pages:** 5 (includes cover page)

**Phone:**

**Date:** February 17, 2004

**Re:** Filing Receipt Correction

**CC:**

☐ **Urgent**

☐ **For Review**

☐ **Please Comment**

☐ **Please Reply**

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**Case:** 52339AUSM1

**In re Application of:** DOLE et al.

**Serial No.** 10/642,255

**Filing Date:** August 15, 2004

**Items Faxed:** Transmittal (2pgs)  
Copy of Filing Receipt

52339AUSM1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: :  
Dole et al. :  
Serial No.: 10/642,255 : Group Art Unit: 1614  
Filed: August 15, 2003 : Examiner: Not yet known

For: Gene Therapy for Critical Limb Ischemia with Wild-Type or Mutant eNOS

Mail Stop Office of Initial Patent Examination's  
Filing Receipt Corrections  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

via Facsimile: 703-746-9195

**FILING RECEIPT CORRECTION**

Sir:

Applicants hereby request a review of the Filing Fee indicated on the Filing Receipt we received, Confirmation No. 3168 mailed on January 22, 2004 for the above - referenced application.

The amount of the Filing Fee indicated on the Filing Receipt is \$2,158.00. However, we calculated a total filing fee of \$1,492.00 which comprised the following:

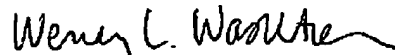
Basic Filing Fee	=	\$750.00
21 extra claims	=	\$378.00
1 extra independent claim	=	\$84.00
Multiple Dependent claim	=	<u>\$280.00</u>
Total	=	\$1,492.00

In addition, the amount withdrawn from our Deposit Account was \$2,050.00 broken down as follows:

	\$750.00
	84.00
	936.00
	<u>280.00</u>
Total	\$2,050.00

Please review the calculation of the Filing Fees owed in this application and if you concur that there is an overcharge, please credit our Deposit Account 02-2117.

Respectfully submitted,



Wendy L. Washtien, Ph.D.  
Agent for Applicants  
Reg. No. 36301

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Date: February 17, 2004

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27586  
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**FILING RECEIPT**

\*OC000000011731688\*

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

William P. Dole, Alamo, CA;  
Katalin Kauser, El Sobrante, CA;  
Hu Sheng Qian, Walnut Creek, CA;  
Gabor Rubanyi, Alamo, CA;

**Schering Aktiengesellschaft, Berlin, GERMANY:**

**This appln claims benefit of 60/403,637 08/16/2002**

**If Required, Foreign Filing License Granted: 01/21/2004**

**Projected Publication Date:** To Be Determined - pending completion of Missing Parts

**Non-Publication Request: No**

**Early Publication Request: No**

**Title**

Gene therapy for critical limb ischemia with wild type or mutant eNOS

**Preliminary Class**

424

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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